



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MAY 10 2002

Mr. Stanley H. Hodges
RWE Solutions
3800 Fernandina Road
Suite 200
Columbia, SC 29210-3854

Reference No.: 02-0046

Dear Mr. Hodges:

This is in response to your letter dated January 26, 2002, requesting clarification on the marking and labeling requirements for low specific activity (LSA) material shipped as exclusive use under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether Low Specific Activity (LSA) material can be excepted from the marking and labeling requirements when a shipment is not required to be consigned as exclusive use by § 173.427(a)(6) but the shipper chooses to ship the material in this manner.

The answer is no. Section 173.427(a)(6) applies to LSA material and Surface Contaminated Objects (SCO) **required** to be consigned as exclusive use. However, we proposed, under (Docket, HM-230, 67 FR 21357, April 30, 2002), to revise the exclusive use requirements in § 173.427(a)(6). Under this proposal, any shipment of LSA material and SCO consigned as exclusive use would be excepted from the marking and labeling requirements in the HMR, except as noted in § 173.427(a)(6)(vi). Paragraph (a)(6)(vi) states that "the exterior or each nonbulk package must be stenciled or otherwise marked "Radioactive-LSA" or "Radioactive-SCO" as appropriate, and nonbulk packages that contain a hazardous substance must also be stenciled or otherwise marked with the letters "RQ" in association with the above description."

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



020046

173.427

Belts
§173.427
Marking &
Labeling
02-0046



January 26, 2002

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Subject: Marking and Labeling Requirements for Exclusive Use LSA Shipments

References: RAMREG-002, "U.S.-Specific Schedules of Requirements for Transport of Specified Types of Radioactive Material Consignments"

Title 49 Section CFR 173.427, "Transport requirements for low specific activity (LSA) Class 7 (radioactive) materials and surface contaminated objects (SCO)"

Dear Mr. Mazzullo:

This letter is being written to you to request whether or not LSA packages can be excepted from marking and labeling if the shipment is consigned as exclusive use (exclusive use not required by regulations). This letter presents the background relative to this question with the proposed question at the end of our letter.

Background

Provided below are excerpts from an excerpt from 49 CFR 173.427(a):

- (6) For LSA material and SCO required by this section to be consigned as exclusive use:
- (6)(vi) For domestic transportation only, packages are excepted from the marking and labeling requirements of this subchapter. However, the exterior of each nonbulk package must be stenciled or otherwise marked "Radioactive-LSA" or "Radioactive-SCO", as appropriate, and nonbulk packages that contain a hazardous substance must also be stenciled or otherwise marked with the letters "RQ" in association with the above description;

Based on this definition, the regulations have delineated that the LSA or SCO packages would only be excepted from the marking and labeling requirements if the shipment is required to be consigned as exclusive use. Based on our review of 49 CFR 173.127, an exclusive use shipment would only be required per the following sections:

- 49 CFR 173.427(b)(3);
- 49 CFR 173.427(b)(4);
- 49 CFR 173.427(f) Table 8
 - LSA-I Liquid packaged in an IP-1 package,
 - LSA-II Liquid or gas packaged in an IP-2 package, or

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Mission Statement

RWE.N provides safe, compliant, and cost effective solutions to radioactive waste management problems through the innovative application of proven technologies.

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Subject: Marking and Labeling Requirements for Exclusive Use LSA Shipments



- LSA-III packaged in an IP-2 package.

Otherwise, the LSA or SCO package is not required to be consigned as an exclusive use shipment.

The joint transportation schedules published by the DOT and NRC as RAMREG-02 provides a slightly different perspective relative to excepting LSA and SCO from marking and labeling requirements. Section 8.(b) of Schedules 5, 6, 7 and 8 (for LSA-I, LSA-II, LSA-III and SCO respectively) is provided below:

8. MARKING AND LABELING

- (b) For domestic, exclusive use transportation only: Packages are excepted from the specification marking and labeling requirements. However, the exterior of each nonbulk package must be stenciled or otherwise marked RADIOACTIVE-LSA (SCO for Schedule 8) and nonbulk packages that contain a hazardous substance must also be stenciled or otherwise marked with the letters RQ in association with the above marking.

For international shipments, Schedules 5 through 8 delineate to follow Common Provision B.8. The schedules appear to dictate that as long as the shipment is consigned as exclusive use, the packages are excepted from the specification marking and labeling requirements.

We have recently been shipping a number of LSA-II shipments in IP-2 packages. Based on our current understanding of the regulations, we have included the applicable labels and markings required by the regulations for these shipments. The packages have also included Yellow-II labels. Based on the regulations, the shipments could have been shipped as non-exclusive use shipments without placards. Since the majority of these shipments were radioactive cask shipments, we consigned all of these shipments as exclusive use with radioactive placards.

Question

If these shipments are not required to be consigned as exclusive use shipments and we choose to consign the shipment as exclusive use, can the packages be excepted from marking and labeling (as allowed for shipments required to be consigned as exclusive use)?

I would like to thank you in advance for your attention to this question. Should you have any questions, please do not hesitate to contact me at 803-214-5848.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stanley M. Hodges, Jr.".

Stanley M. Hodges, Jr.
Sr. Project Manager